

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 7, 2009
DEPARTMENT: ROC-29835 - REVIEW OF CONDITION - REZONING - PUBLIC
HEARING - APPLICANT/OWNER: ALL STAR AUTOMOTIVE INC.

THIS ITEM WAS HELD IN ABEYANCE FROM THE NOVEMBER 19, 2008 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

**** CONDITIONS ****

STAFF RECOMMENDATION: **DENIAL.** If approved, subject to:

1. Condition Numbers Two through Eight are hereby deleted.
2. Conformance to the Conditions of Approval for Rezoning ZON-19070.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Review of Conditions of an approved Rezoning (ZON-19070) to delete Conditions Number Two through Eight. of 1.09 acres from the C-2 (General Commercial) zoning district to the C-M (Commercial/Industrial) zoning district located at 2029-2041 West Bonanza Road.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/08/71	The Board of City Commissioners approved a Rezoning (Z-0074-71) from R-3 (Medium Density Residential) to C-2 (General Commercial) and C-M (Commercial/Industrial) on the subject property. The Planning Commission and staff recommended approval.
02/24/76	The Planning Commission approved a request for a Plot Plan Review (parent case Z-0074-71) for a Recreational Vehicle Sales Facility on a portion of the subject site. Staff recommended approval.
03/24/92	The Board of Zoning Adjustment approved a request for a Special Use Permit (U-0046-92) for a Used Car Lot in a C-2 (General Commercial) zoning district. Staff recommended approval.
07/07/04	The City Council denied an Appeal (DIR-4573) of a Planning and Development Director's decision per Title 19.00.070.F to deny the acceptance of a application for a Special Use Permit for an Off-Premise Advertising (Billboard) Sign for failure to comply with Title 19.14.100. Staff had recommended denial.
05/17/06	The City Council approved a General Plan Amendment (GPA-9219) expanding the Redevelopment Area. This property was designated as LI/R (Light Industrial/Research) as part of this General Plan Amendment. The Planning Commission and staff recommended approval.
04/18/07	The City Council approved a Rezoning (ZON-19070) of 1.09 acres from the C-2 (General Commercial) zoning district to the C-M (Commercial/Industrial) zoning district at 2029, 2039, and 2041 West Bonanza Road. The Planning Commission and Staff recommended approval on 02/22/07.

<i>Related Building Permits/Business Licenses</i>	
08/23/94	<p>Business license #S09-00007 issued for a Sign Painting Establishment at 2041 W. Bonanza Road. This license was originally issued by Business Services on 12/19/90 as S09-00007 and was re-issued due to a change of location on with no apparent Planning and Development review.</p> <p>NOTE: A field check carried out on 09/12/08 found no sign of business operations at this location and access to the site restricted by a temporary fence.</p>
08/01/07	<p>Business license #A29-00080 issued for a Tow Service with Impound Lot at 2039 W. Bonanza Road.</p> <p>NOTE: This license is entitled by condition of approval of Rezoning ZON-19070 which limits the on site storage to 10 vehicles. A field check on 09/12/08 found approximately 27 cars stored on site.</p>
<i>Pre-Application Meeting</i>	
A pre-application meeting is not required for this type of application request, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this type of application request, nor was one held.	

<i>Field Check</i>	
09/12/08	<p>A field check was carried out by staff with the following observations:</p> <ul style="list-style-type: none"> • Approximately 27 vehicles were visible from street view on site where Condition of Approval A of ZON-19070 limits the number of vehicles stored on site to 10. • There is an unpermitted temporary fence restricting access to 2029 and 2041 West Bonanza Road. • No business activity appears to be occurring at 2029 and 2041 West Bonanza Road.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	1.09 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Automotive Commercial Center	LI/R (Light Industrial / Research)	C-2 (General Commercial) Under a Resolution of Intent to C-M (Commercial/Industrial)
North	Single Family Residential	MXU (Downtown – Mixed Use)	R-E (Residence Estates)
South	Interstate ROW (I-95)	Interstate ROW (I-95)	Interstate ROW (I-95)
East	Truck Rental	LI/R (Light Industrial / Research)	C-2 (General Commercial)
West	Building & Landscaping Material / Lumber Yard	LI/R (Light Industrial / Research)	C-M (Commercial/Industrial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Redevelopment Plan Area	X		Y
West Las Vegas Plan	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
A-O (Airport Overlay) District	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

The approved rezoning to the C-M (Commercial/Industrial) zoning district is consistent with the existing LI/R (Light Industrial/Research) Master Plan designation and is compatible with the existing auto service and equipment rental uses in the vicinity. The purpose of this rezoning was to specifically allow a Tow Service with Impound lot to occur as a permitted use in the C-M (Commercial/Industrial) zoning district. A condition of approval was added at the 04/18/07 City Council meeting allowing no more than 10 vehicles to be stored on site.

All buildings were in place prior to the approval of Rezoning (ZON-19070) and a Site Development Plan Review was not required. Because the applicant was seeking this rezoning action in order to allow a use that would not be permitted within a less intense zoning district, staff included all of the required conditions that typically accompany a Site Development Plan Review. These conditions were included in order to ensure that the site would be corrected of any deficiencies prior to business operations. The applicant is seeking to remove Conditions Two through Eight in order to allow building permits to be issued without requiring the remapping, landscaping, and half-street improvements such as sidewalks and curb cuts.

The applicant is currently not been in compliance with the conditions of approval for Rezoning ZON-19070 as he is exceeding the 10-vehicle storage limit. Additionally, the applicant has not submitted for a consolidation of the two separate parcels. Both of these actions can be completed without any required building permits.

Conditions of Approval for Rezoning ZON-19070:

- A. The number of vehicles stored on site shall be limited to 10.
 - 1. A Resolution of Intent with a two-year time limit is hereby granted.
 - 2. Recordation of a reversionary parcel map or administrative joining consolidating the parcels on the site prior to issuance of any building or grading permits.
 - 3. Construct all incomplete half-street improvements on Bonanza Road and remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
 - 4. Submit an application for a deviation from Standard Drawing #222a for the driveways accessing this site from Bonanza Road. Driveways shall also receive approval from the Nevada Department of Transportation.
 - 5. Unless otherwise allowed by the City Engineer, construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site. The connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network and shall be terminated on-site with a handicap ramp.
 - 6. Landscape and maintain all unimproved right-of-way on Bonanza Road adjacent to this site. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

7. As appropriate, submit an Encroachment Agreement to the City of Las Vegas or obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the Bonanza Road public right-of-way adjacent to this site prior to the issuance of any permits.
8. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the submittal of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer. We note that portions of this site are within FEMA Floodzones.

FINDINGS

Staff finds that the approved rezoning of the two subject properties from the C-2 (General Commercial) zoning district to the C-M (Commercial/Industrial) zoning district is in conformance with the existing LI/R (Light Industrial / Research) land use designation. The site encompasses two 100-foot wide parcels with existing buildings located within the setback area that contain legally, non-conforming buildings on both properties. Specifically, both buildings do not meet the side yard setback development standards for the proposed C-M (Commercial/Industrial) zoning district.

Condition Number Two requires that the two parcels be consolidated prior to the issuance of any future building permits with the recordation of either a reversionary parcel map or administrative joining. If the applicant does not make any improvements to the property, then this condition is not required and, therefore does not need to be removed.

The remaining conditions were included as the applicant did not submit for a Site Development Plan Review at the time of the rezoning request. The applicant is seeking to remove these conditions in order to allow building permits to be issued for improvements to the buildings without making the necessary on and off-site improvements to the property. Therefore, staff recommends denial of this request to remove Conditions Two through Eight from the approved Rezoning ZON-19070.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED 203

APPROVALS 0

PROTESTS 0